THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO: 23188 of 2005

Dt.12-12-2005

Between:

Karnati Laxmaiah S/o K. Venkataiah,

Aged about 30 years, Occ: Ex-Conductor,

E.No.209912, r/o Nimmani, Narkatpally Mandal,

Nalgonda District.

...PETITIONER

AND

The Depot Manager,

APSRTC Bus Depot, Uppal,

R.R. District, Hyderabad.

…RESPONDENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO: 23188 of 2005

ORDER: -

The Andhra Pradesh State Road Transport Corporation issued a Notification for appointment of conductors on casual basis. The petitioner responded to the same and came to be selected after due verification and selection process. In accordance with the existing policy of the Corporation, the petitioner and other selected

candidates were empanelled as casual conductors and attached to Uppal Depot with effect from 21-05-1999. Through his order dated 02-08-1999, the respondent deleted the name of the petitioner from the rolls of the Depot with immediate effect. Aggrieved thereby, the petitioner preferred an appeal before the Divisional Manager, Hyderabad Division. The appeal was rejected through proceedings dated 07-04-2001. The petitioner raised an industrial dispute before the Additional Industrial Tribunal-cum-Labour Court, Hyderabad in I.D.No.1 of 2003. The Labour Court passed award dated 16-10-2004 upholding the order of deletion of the name of the petitioner from the list. Hence, this writ petition.

2. Sri V. Narsimha Goud, learned Counsel for the petitioner submits that the first respondent did not indicate any reason for deletion of the name of the petitioner from the rolls, particularly when the inclusion was on the basis of selection in pursuance of a notification. He contends that the impugned order violates the principles of natural justice apart from being illegal and irregular.

3. A counter affidavit has been filed on behalf of the respondent. It is stated that the petitioner was absent on some dates and after calling for report from the concerned, the name of the petitioner was deleted. It is pleaded that no enquiry was conducted because the petitioner was employed on daily wages for a period of six months. A reference is made to the conditions of appointment.

4. Learned Standing Counsel for the Corporation submits that the petitioner does not have any vested right to continue in the post and that the terms of engagement are very clear to the effect that it can be terminated without assigning any reasons.

5. The enlistment of the petitioner as a casual conductor was in pursuance of a selection process duly inviting applications from the eligible persons. The empanelment does not entail any entrustment of work to the petitioner everyday. It depends upon the availability of work and the petitioner has to wait for his turn. The impugned order does not disclose as to whether the petitioner was absent on any dates on which he was entrusted with the work. It is true that a departmental enquiry is not contemplated for removal of a casual conductor. However, at least reasons

must be stated as to why the name of the conductor is removed from the panel. Such removal is going to deny the concerned person of his livelihood.

6. In the counter affidavit, many reasons are stated which do not find any place in the impugned order. It is not as if the petitioner was issued any memo pointing out any acts or omissions on his part. The tenure of a person selected through the regular process cannot be made to depend upon the *ipse dixit* of the appointing authority. The present case cannot be compared to, termination of probation also. The Labour Court did not appreciate the matter in proper perspective.

7. For the foregoing reasons, the writ petition is allowed and the award dated 16-10-2004 passed in I.D.No.1 of 2003 by the Labour Court, Hyderabad as well as the order dated 07-04-2001 passed by the Divisional Manager, Hyderabad Division, are set aside. The respondent is directed to restore the name of the petitioner in the list of conductors appointed on daily wages. However, the petitioner is not entitled to any back wages or continuity of service.

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JUSTICE L.NARASIMHA REDDY

Dt.12-12-2005

GLV